

IC 36-9-33

Chapter 33. Collection and Disposal of Waste Generally

IC 36-9-33-1

Application of chapter

Sec. 1. This chapter applies to all units (except townships and counties having a consolidated city) that adopt ordinances under section 3 of this chapter after March 31, 1987.

As added by P.L.353-1985, SEC.2.

IC 36-9-33-2

"Solid waste" defined

Sec. 2. As used in this chapter, "solid waste" has the meaning set forth in IC 36-9-30-2, except that the term does not include the following:

- (1) Sludge, sewage, and other highly diluted water-carried materials or substances and those in gaseous forms.
- (2) Metal, glass, paper, paperboard, or corrugated material that is stored, collected, or recovered for recycling.
- (3) Waste regulated under IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14.
- (4) Waste generated by any person that disposes of the person's own waste in:
 - (A) a fully permitted sanitary landfill owned or leased by the person; or
 - (B) a resource recovery facility owned by the person; at the date of adoption of the ordinance by the unit.
- (5) Waste generated by any agricultural activity.
- (6) Waste generated by a new manufacturing or a commercial enterprise or by the expansion of an existing manufacturing or commercial enterprise.
- (7) Other waste described in an ordinance adopted by the unit's legislative body.

As added by P.L.353-1985, SEC.2. Amended by P.L.1-1996, SEC.98.

IC 36-9-33-3

Power to provide for collection and disposal of solid waste

Sec. 3. A unit may by ordinance provide for and exclusively control the collection and disposal of solid waste under this chapter within the unit. However, a unit may exercise this power only upon the completion of construction or the acquisition of a facility for the processing or disposal of solid waste by incineration or similar methods.

As added by P.L.353-1985, SEC.2.

IC 36-9-33-4

Territorial limitations for municipalities

Sec. 4. (a) A municipality may not exercise a power granted by this chapter inside the boundaries of another municipality without the consent of that municipality's legislative body.

(b) A municipality may not exercise a power granted by this chapter in unincorporated territory without the consent of the executive of the county in which that territory is located.

As added by P.L.353-1985, SEC.2.

IC 36-9-33-5

Territorial limitation for counties

Sec. 5. A county may not exercise a power granted by this chapter inside the boundaries of any municipality in that county without the consent of that municipality's legislative body.

As added by P.L.353-1985, SEC.2.

IC 36-9-33-6

Joint exercise of power

Sec. 6. Notwithstanding sections 3 and 4 of this chapter, units may jointly exercise a power granted by this chapter in the manner provided by IC 36-1-7.

As added by P.L.353-1985, SEC.2.